

Reference No. HRRT 009/2023

UNDER HUMAN RIGHTS ACT 1993

BETWEEN WAYNE KEEN

PLAINTIFF

AND THE DEPARTMENT OF CORRECTIONS

DEFENDANT

AT WELLINGTON

BEFORE:

Ms S Eyre, Chairperson
Ms SM Kai Fong, Member
Dr NR Swain, Member

REPRESENTATION:

Ms A Hill for plaintiff
Mr J Williams for defendant

DATE OF HEARING: Heard on the papers

DATE OF DECISION: 19 June 2023

DECISION OF TRIBUNAL REGARDING EXTENSION OF TIME¹

[1] On 2 May 2023 Mr Keen's claim against the Department of Corrections (Corrections) was served by post on Corrections.

[2] Regulation 15(1) of the Human Rights Review Tribunal Regulations 2002 required the statement of reply to be filed by 9 June 2023, being 22 working days after the day on which the proceeding was deemed to be served on Corrections.

¹ [This decision is to be cited as *Keen v Corrections (Extension of Time)* [2023] NZHRRT 17]

[3] A defendant may only file a statement of reply late if leave has been granted by the Tribunal, as required by regulation 15(3) of the Human Rights Review Tribunal Regulations 2002.

[4] The parties have jointly sought an extension to the date for filing the statement of reply to 14 July 2023, being four weeks after the date when an amended statement of claim will be filed. The extension is sought as Mr Keen is now represented by Ms Hill who is in the process of re-drafting the statement of claim. The parties agree it would be inefficient to file a statement of reply in response to a claim which is in the process of being amended. Mr Keen consents to the application for an extension of time and it is submitted by counsel that there will be no prejudice to Mr Keen if this short extension is granted.

[5] The Tribunal notes that the extension sought being only four weeks after the receipt of Mr Keen's amended statement of claim is appropriate in the circumstances and it will cause no prejudice to Mr Keen or to the overall progression of this matter before the Tribunal.

[6] The extension of time is granted as ordered below.

ORDER

[7] The following orders are made:

[7.1] Mr Keen is to file and serve the amended statement of claim by Friday 16 June 2023.

[7.2] The Department of Corrections is to file and serve the statement of reply to Mr Keen's amended claim, four weeks after the date of filing of the amended statement of claim or by 14 July 2023, whichever date is later.

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Ms S Eyre
Chairperson

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Ms SM Kai Fong
Member

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Dr NR Swain
Member